

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF NORTH CAROLINA

U.S.A. vs. Scott Herman Schink

Docket No. 5:16-CR-102-1BO

Petition for Action on Supervised Release

COMES NOW Eddie J. Smith, Supervising U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Scott Herman Schink, who, upon an earlier plea of guilty to 21 U.S.C. §§ 846 and 841(b)(1)(A), Conspiracy to Possess with Intent to Distribute and Distribute Methamphetamine, was sentenced by the Honorable Frank D. Whitney, U.S. District Judge for the Western District of North Carolina, on January 24, 2008, to the custody of the Bureau of Prisons for a term of 121 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for a period of 120 months.

Scott Herman Schink was released from custody on November 07, 2014, at which time the term of supervised release commenced. Jurisdiction was transferred from the Western District of North Carolina to the Eastern District of North Carolina on April 27, 2016.

On March 1, 2018, a violation report was submitted reporting that the defendant was charged with the offenses of Maintain Vehicle/Dwelling/Place for Controlled Substance, Possess Marijuana More than ½ Ounce, but Less than 1 ½ Ounce, and Possession of Marijuana Paraphernalia (18CR51404) in Wilmington, North Carolina on February 21, 2018. Additionally, it was reported that the defendant tested positive for marijuana use on February 26, 2018. As a result of the drug use, the defendant was enrolled in substance abuse counseling and the Surprise Urinalysis Program. The court agreed to continue supervision until the new criminal offenses were resolved in state court.

On May 15, 2018, a violation report was submitted to the court reporting that the defendant was convicted of Misdemeanor Possess Marijuana Paraphernalia in New Hanover District Court on May 9, 2018. The remaining charges reported on March 1, 2018, were dismissed. Due to the defendant's compliance with treatment and negative drug tests, the court agreed to continue supervision.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS: On December 18, 2018, the defendant submitted a urine sample that tested positive for marijuana use. When confronted with the results, the defendant signed an admission acknowledging his use of marijuana approximately three weeks ago. The defendant completed substance abuse counseling in response to the violations reported on March 1, 2018. We will continue to test the defendant for illicit drug use through the Surprise Urinalysis Program. In an effort to assist the defendant with his continued struggles with marijuana use, we are recommending that the conditions of supervision be modified to require the defendant to participate in a cognitive behavioral program.

The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall participate in a cognitive behavioral program as directed by the probation office.

Except as herein modified, the judgment shall remain in full force and effect.

I declare under penalty of perjury that the foregoing
is true and correct.

/s/ Eddie J. Smith
Eddie J. Smith
Supervising U.S. Probation Officer
150 Rowan Street Suite 110
Fayetteville, NC 28301
Phone: 910-354-2537
Executed On: December 18, 2018

ORDER OF THE COURT

Considered and ordered this 18 day of December, 2018, and ordered filed and
made a part of the records in the above case.

Terrence W. Boyle
Terrence W. Boyle
Chief U.S. District Judge